



**United States Environmental Protection Agency
Region III
FOUR PENN CENTER
1600 JOHN F. KENNEDY BOULEVARD
PHILADELPHIA, PENNSYLVANIA 19103-2852**

INFORMATION REQUEST
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Matthew Meyer, County Executive
New Castle County Government Center
87 Reads Way
New Castle, DE 19720

**Re: Required Submission of Information
East Basin Road Groundwater Superfund Site
New Castle, Delaware**

Dear Mr. Meyer:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning a release, or the threat of release, of hazardous substances, pollutants or contaminants into the environment at the East Basin Road Groundwater Site ("Site"). The Site is approximately 7 square miles in size and encompasses the New Castle County Airport (which is also known as the Wilmington Philadelphia Regional Airport or, Wilmington ILG, but will hereinafter be referred to as "NCCA"), and several commercial/industrial areas to the south, east, and southeast of NCCA. Eleven drinking water wells located at the Site have been contaminated with per and poly-fluoroalkyl substances ("PFAS"), as well as hazardous substances likely originating from sources located at or near the Site. Initial sampling at the Site indicates the presence of PFAS in groundwater in concentrations that exceed the Health Advisory Levels ("HAL") for these substances. Additionally, concentrations of hazardous substances such as Tetrachloroethene ("PCE"), and Trichloroethene ("TCE") were also found in groundwater in concentrations that exceed EPA risk screening levels.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. Section 9604(e) ("CERCLA"). EPA has the authority to require New Castle County (the "County" or "you") to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, handled, treated, or disposed of at the Site. You are hereby requested to respond to the Information Request set forth in Enclosure E, "*Required Information*", attached hereto.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to this Information Request within **thirty (30) calendar days** of your receipt of this letter can result in an enforcement action by EPA pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information that you provide pursuant to this information request may be used by EPA in administrative, civil, or criminal proceedings.

If, for any reason, you do not provide all information responsive to this letter, your answer to EPA must: (1) describe specifically what was not provided, and (2) provide EPA an appropriate reason why the information was not provided.

All documents and information should be sent via e-mail to:

Ms. Ruth Knapp (3SD41)
U.S. Environmental Protection Agency, Region III
knapp.ruth@epa.gov
Please include East Basin Road in the subject line of the e-mail.

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq. because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

If you have any Potentially Responsible Party Search questions concerning this matter, please contact Compliance Officer Ruth Knapp at (215) 814-2191. If you have any legal questions, please have your attorney contact Senior Assistant Regional Counsel Mark Bolender at (215) 814-2642 or by e-mail at bolender.mark@epa.gov.

Sincerely,

Joanne Marinelli, Chief
Cost Recovery Section

Enclosures: A. Business Confidentiality Claims/Disclosure of Your Response to EPA
Contractors and Grantees
B. Definitions
C. List of Contractors That May Review Your Response
D. Instructions
E. Required Information

cc: Qazi Salahuddin (DNREC)
Amy E. Bryson (DNREC)
Paul Will (DNREC)

Enclosure A

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Section 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure Of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See Enclosure B) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program (SEE Enrollees). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to CERCLA, 42 U.S.C. Section 9604(e)(7) and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure 3, then you must notify EPA in writing at the time you submit such documents.

Enclosure B

List of Contractors That May Review Your Response*

Arctic Slope Mission Services, LLC

Contract # EP-W-17-011

Subcontractor: Booz Allen Hamilton Inc.

Walga MTE, LLC

Contract #68HE0320D0001

Eisenstein Malanchuck, LLP

Contract # 68HE0S18D0002

* Please note that these prime contractors may enter into subcontracts with other firms that will review this information. EPA requires that the prime contractor include (flow down) the same CBI clauses to their subcontractors, who are required to protect the CBI in the same manner. This includes the signing of confidentiality agreements understanding their duty to safeguard the CBI. If you want additional information related to subcontractors, please indicate that in your response to EPA. EPA does not have privity of contract with a subcontractor and will communicate with the prime contractor.

Enclosure C

Definitions

1. The term “arrangement” shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
2. The term “documents” shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, interoffice and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
3. The term “hazardous substance” means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
4. The term “pollutant or contaminant” shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

5. The term “release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
6. The term “waste” or “wastes” shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
7. The term “you” when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity’s behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity’s behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, holding companies.

Enclosure D

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure A, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure C, *Definitions*, for your convenience. Also, several additional terms not Defined in CERCLA are defined in Enclosure C.

Enclosure E

Required Information

1. Please describe the current operations at New Castle County Airport (“NCCA”) and indicate any current Federal Aviation Administration (“FAA”) certifications/designations for the airport. Provide a history of the airport including how New Castle County became the owner of NCCA. Describe any significant changes in operations at the airport that may have occurred during the County’s ownership of the airport, including any significant changes in FAA certifications/designations that differ from the current operations and certifications/designations. Identify when major structures such as runways, hangars, and other commercial/industrial areas were constructed. Maps, drawings, or other illustrations may be utilized to assist in addressing this question. If these structures are identified in a systematic way, please include their identification with a key and/or explanation of the nomenclature used to identify/label the structures.
2. If not addressed in item #1, describe in detail the current procedures at NCCA for addressing emergency responses to fires and hazardous material release events such as chemical spills. Explain the relationship between these procedures and FAA certifications/requirements and be sure to address the use of aqueous film forming foam (“AFFF”) and other chemicals used for fire suppression at NCCA. Include information on NCCA’s policy regarding the use, storage, transfer, and disposal of AFFF and other fire suppressants and explain how these policies comport with any FAA requirements. Identify which entities (i.e., NCCA or tenant) are typically responsible for addressing fires and emergency response release events at different NCCA locations such as but not limited to runways, hangars, and buildings. Describe any significant changes from past procedures at NCCA for providing emergency responses to fires and hazardous material release events that may differ from current arrangements/processes for addressing these situations.
3. If New Castle County currently has an agreement with another entity to oversee or manage the airport property and/or operations, please describe this arrangement including the time period covered by the agreement and the general responsibilities/services this entity provides to New Castle County as related to NCCA. Provide a copy of any contractual agreements between the county and this entity.
4. Please provide an inventory of all discreet areas located at NCCA, including but not limited to runways, buildings, airplane hangars, aviation maintenance areas, other physical structures, and fire training areas. Please provide any current and past uses for each discreet area. For any discreet area that has its own mailing address, please provide such address.
5. For all discreet areas identified in item #4, indicate whether NCCA currently leases or has leased the area to any other entity(s). Please provide the name(s) and contact information for any lessee(s), including the name of a contact person representing the entity and their mailing address, e-mail address and phone number. Also indicate the period during which the entity leased the area. If possible, provide a copy of the actual lease agreement. Provide the same information for any sublessees of any discreet areas of NCCA. Provide

the same information for any discreet areas of NCCA that may be owned by any third party(ies).

6. With respect to the discreet areas of NCCA identified in item #4, did NCCA ever purchase, store, use or dispose of any items, products, or wastes containing the following substances:
- Per- and polyfluoroalkyl substances (“PFAS”) or other fluorinated items or substances including but not limited to Aqueous Film Forming Foam (“AFFF”),
 - Tetrachloroethene (“PCE”),
 - Trichloroethene (“TCE”),
 - Vinyl Chloride,
 - cis-1,2-Dichloroethylene (“CIS-1,2-DCE”),
 - trans-1,2-Dichloroethylene (“Trans1,2-DCE”),
 - 1,2-Dichloroethane (“1,2-DCA”), or
 - Dioxin.

If your response is yes, provide the following information about each item/substance:

- a. Identify the discreet areas at NCCA where the item/substance was stored/used or disposed of and include the trade or brand name, quantity used/stored/disposed of, and period of use/storage/disposal for each item/substance.
 - b. Provide the Safety Data Sheet (or Material Safety Data Sheet) for each item/substance.
 - c. Describe the process(es), whether current or in the past, in which the item/substance was used.
 - d. Describe all leaks, spills or releases of the item/substance that may have occurred and describe how any leaks, spills or releases were addressed
7. Describe the disposal process used for each item/substance identified in #6.
8. To the best of your knowledge, indicate whether any current or former lessees or sublessees, or third-party owners, of any discreet areas at NCCA may have purchased, stored, used or disposed of any items, products, or wastes containing the following substances:
- PFAS or other fluorinated items or substances including but not limited to AFFF,
 - PCE,
 - TCE,
 - Vinyl Chloride,
 - CIS-1,2-DCE,
 - Trans1,2-DCE,
 - 1,2-DCA, or
 - Dioxin.

Identify the specific substance(s) which you believe the entity may have purchased/used/stored or disposed of at the location of the leased/subleased land area or structure.

9. With respect to the discreet areas of NCCA identified in item #4, did NCAA ever purchase, store, use or dispose of any items or products, for deicing or anti-icing operations at these locations? If your response is yes, provide the following information about each item/substance:
 - a. Identify the location(s)/structures where it was stored and/or used. State the trade or brand name, quantity used and/or stored, and period of use and/or storage for each item/substance.
 - b. Provide the Safety Data Sheet (or Material Safety Data Sheet) for each item/substance.
 - c. Describe the process(es) in which the item/substance was used, including any current or discontinued processes.
 - d. Describe all leaks, spills or releases of the item/substance that may have occurred and describe how any incidents were addressed
 - e. Describe the disposal process employed by NCCA for each item/substance.
10. To the best of your knowledge, indicate whether any current or former lessees or sublessees, or third-party owners, of any discreet areas at NCCA may have purchased, stored, used or disposed of any items or products, for deicing or anti-icing operations. Identify the specific substance(s) which you believe the entity may have purchased/used/stored or disposed of at the location of the leased/subleased land area or structure.
11. Provide the name, title, address, and telephone number of the person answering these questions on behalf of the respondent.
12. For each question, provide the name, title, are of responsibility, current address, and telephone number of all persons consulted in preparation of the answers.